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NOTICE OF ALLOWANCE AND FEE(S) DUE

83809

7590

05/11/2010

Qwest Communications International Inc.
1801 California Street, # 900
Denver, CO 80202

EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2443

DATE MAILED: 05/11/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/517,613

03/02/2000

Thiru Srinivasan

020366-064200US

4139

TITLE OF INVENTION: SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF MULTIMEDIA FILES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	08/11/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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83809 7590 05/11/2010

Qwest Communications International Inc.
1801 California Street, # 900
Denver, CO 80202

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/517,613 03/02/2000 Thiru Srinivasan 020366-064200US 4139

TITLE OF INVENTION: SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF MULTIMEDIA FILES

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	08/11/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
ENGLAND, DAVID E	2443	709-227000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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09/517,613	03/02/2000	Thiru Srinivasan	020366-064200US	4139
83809	7590	05/11/2010	EXAMINER	
Qwest Communications International Inc. 1801 California Street, # 900 Denver, CO 80202			ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER

2443

DATE MAILED: 05/11/2010

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/517,613

Examiner

DAVID E. ENGLAND

Applicant(s)

SRINIVASAN, THIRU

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/18/2010.
2. ☒ The allowed claim(s) is/are 1-7, 9-14, 16-20 and 22-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/David E. England/
Primary Examiner, Art Unit 2443

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: Dwek 6248946, Leeke et al. 6587127, Logan et al. 6199076, Eyal 6389467, Martino 5987103 and Ten Kate et al. 6601237 do not teach nor suggest in detail, "A system for automatically retrieving and playing multimedia files, comprising:
 2. a network access interface which provides access to a data network;
 3. a processing module in a centralized scheduling website to automatically collect information including a first identifier of a first multimedia file, a first location of said first multimedia file and a first schedule of the availability of said first multimedia file, wherein said processing module creates first categorization information relating to said first multimedia file;
 4. wherein said processing module automatically collects information including a second identifier of a second multimedia file, a second location of said second multimedia file and a second schedule of the availability said second multimedia, wherein said processing module creates second categorization information relating to said second multimedia file;
 5. wherein said processing module, said first location, and said second location are situated within distinct domains within the data network;
 6. wherein said processing module automatically compiles a consolidated Internet program listing containing the collected information;
 7. a web browser plug-in selection interface in communication with said processing module which provides for automatic presentation of the collected information,
 8. and automatically receives and processes a selection from a client computer for accessing at least the first multimedia file according to the first schedule of the availability of the first

multimedia file and the second multimedia file according to the second schedule of the availability of the second multimedia file from the data network and compiles a download schedule; and

9. a file download device in communication with the selection interface which, based on the download schedule, automatically accesses said first and second multimedia files at said location through said network access interface and downloads the selected multimedia files.

10. A method of retrieving multimedia files over a data network from a remote site in connection with the data network, comprising in a centralized scheduling web-site:

11. collecting identity information and download availability information for a plurality of multimedia files in a plurality of multimedia websites, wherein said plurality of multimedia websites comprise at least two websites in distinct domains of the data network and wherein said availability information comprises at least one time when at least one of said plurality of multimedia files are available for download;

12. categorizing said plurality of multimedia files;

13. creating a consolidated Internet program listing containing said identity information and said download availability information; in a client computer:

14. presenting an interactive interface in a web browser through a first web browser plug-in which includes the listing and through which individual selections may be made for downloading at least one of the plurality of the multimedia files from at least one of the plurality of multimedia websites according to the listing on the centralized scheduling website of when the at least one of the plurality of the multimedia files is available;

15. receiving an input through the interactive interface in the first web browser plug-in selecting a particular number of the plurality of multimedia files from the listing;
16. compiling a download schedule based on the received input, wherein the schedule includes a description of the multimedia files selected, day and time for the download, and download information, including the domain; and
17. based on the input received through the interface in the web browser, accessing and downloading over the data network through a second web browser plug-in, the selected multimedia files from the selected multimedia websites.
18. A system for automatically retrieving and playing multimedia files, comprising:
19. a network access interface which provides access to a data network;
20. a scheduler adapted to operate on a centralized scheduling website connected to the data network, search a plurality of distinct additional websites for a multimedia files, obtain a schedule of availability of times when said multimedia files are available for download, categorize said multimedia files and create a first list containing category information about said multimedia files;
21. a device web browser program receiver plug-in in communication with said scheduler which compiles a download schedule and, requests one or more portions of the first list from the scheduler, wherein at least one of the one or more portions are requested from the scheduler according to a user's category preferences, receives the one or more portions of the first list from the scheduler, the one or more portions of the first list received from the scheduler comprising a first part and a second part, the first part comprising a category listing and the second part comprising an entire first list, stores the first and second parts on desktop computer," as argued

by the Applicant (see Remarks and Amended Claims dated 03/18/2010, pages 2 – 20; Specification as of 03/02/2000, pages 6-15; and Drawings dated 03/02/2000, Figures 1-8 of Applicant's enabling portions of the specification and drawings).

22. Neither Dwek, Leeke, Logan, Eyal, Martino and Ten Kate teach, alone or in combination, the cited claim language above, as stated and argued in the Applicant's Remarks.

23. The claimed invention teaches a central website that automatically collects information about multimedia files with a plurality of attributes and whether or not they are available and if not, when they would become available. The claimed invention further compiles a consolidated listing of scheduled multimedia downloads through a web browser plug-in along with automatically accessing the multimedia files, using the availability schedule, when they do become available, see Specification pages 7 – 15, and Figures 7a-8. Furthermore, the claimed invention teaches receiving one or more portions of a first list from the scheduler with the portions having a first and second part that are category listings and entire first listings.

24. The Applicant as resubmitted the Affidavit to swear behind the prior art. The Examiner has reviewed the Affidavit and diligence is only seen from December 28th, 1999 to filing. There is no diligence from the evidence filed on march 11, 1999 to the next communication, which is 12/28/1999. Therefore, the reference that are overcome are Dwek and Eyal due to the diligence date of 12/28/1999.

25. As for Leeke, Leeke teaches an online radio application that can view and look for radio stations in different area depending on the user's preferences. Leeke does teach collecting information about what specific multimedia a user wishes to view in a browser search type application but does not specifically teach centralized scheduling website that automatically collects information about a variety of different multimedia and consolidating the different listings, those available and those that are not. Furthermore, the schedule of Leeke is not specifically downloaded to the user, it is the user that generates the schedule list from their computer, which is also different from the prior art. Furthermore, Leeke's invention does not have the ability to send portions of the of a full schedule that is taught in claim 20 in the different categories. Also in light of claim 20, Leeke does not teach that their schedule has other parts that comprise a category listing and a entire first list, see cited areas of Leeke in previous rejections.

26. As for Logan, Logan teaches an online audio program and message distribution system that plays back multimedia based on user's criteria. Although Logan teaches the user of a centralized website for scheduling multimedia, there are no teachings of automatically collecting information about multimedia and combining schedules that have multimedia that are available.

27. As for Martino and Ten Kate, neither of these patents teach the limitations stated above that would render a 103 rejection.

28. The cited areas of the prior art clearly do not find the Applicant's invention obvious and would be difficult to motivate one of skill in the art to combine these used references to come up with the Applicant's claimed invention.
29. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claim as well as for the further limitations set forth.
30. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
31. Claims 1 – 7, 9 – 14, 16 – 20 and 22 – 30 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Primary Examiner
Art Unit 2443

/David E. England/
Primary Examiner, Art Unit 2443